State Auditor took charge of the affairs of the association, including the money in the bank. *Held*, that plaintiff was entitled to the full amount of the check, though the association was insolvent at the time it was given.

The doctrine that is sustained by the weight of authority in the United States, is that an unaccepted check drawn in the ordinary form, not describing any particular fund, or using words of transfer of the whole or any part of any amount standing to the credit of the drawer, does not amount to an assignment at law or in equity of the money to the credit of the holder. *Harrison* v. *Wright*, 100 Ind. 515; *Lunt* v. *Bank of North America*, 49 Barb. (N. Y.) 221. Some States hold that the giving of a check transfers to its holder the title to so much of the money in the bank as the check calls for. *Chouteau et al.* v. *Rouse*, 56 Mo. 65. Under the Negotiable Instruments Act, now in force in New York, Connecticut, Massachusetts and some other states, a check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

CONSTITUTIONAL LAW—DEPARTMENT STORES—POLICE POWER—TAXATION—STATUTES—VALIDITY—STATE EX REL. WYATT V. ASHBROOK ET AL., 55 S. W. 627 (Mo.).—An act passed in Missouri in 1899, known as "The Anti-Department Store Act," divided merchandise into a certain number of classes, and prohibited any person, firm or corporation, in towns of 50,000 inhabitants or more and employing fifteen or more clerks, from selling goods of more than one class without first paying a special tax of not more than $500 or less than $300, to be determined by the different commissioners for each city. *Held*, to be unconstitutional.

Such an act is not a proper police regulation, so it contravenes the Constitutional provision which vests the taxing power for municipal purposes in the municipal corporations under authority of the General Assembly. It also violates the Constitutional provision that all taxes for public purposes shall be uniform on the same class of subjects within the limits of the authority levying the tax, and that all taxes shall be levied and collected by a general law. It is aimed directly at department stores in large cities, and as such is distinctly class legislation. *State* v. *Trenton*, 42 N. J. L. 486.

CONTRIBUTORY NEGLIGENCE—STREET REPAIRS—TATJE V. FRAWLEY, 27 South. Rep. 339 (La.).—Defendant contracted with the City of New Orleans to re-arrange the guttering on a certain street, protecting public safety with lights, etc. A hole of three feet in the gutter was left without light or boarding over, into which defendant fell when running for a car at night. *Held*, no recovery.

While the court virtually concedes the negligence of the defendent, it further announces that a man running for a car at night is necessarily so intent on catching the car that he does not take proper care of where he is going, hence finds plaintiff guilty of contributory negligence. Judge Blanchard dissents, but writes no opinion. See *Mahan* v. *Everett*, 50 La. Am. 1167.

CORPORATIONS—DIVIDENDS—TRUST FUNDS—HUNT V. O'SHEA, 45 Atl. Rep. 480 (N. H.).—Suit is brought against defendant as assignee of an insolvent company for a dividend declared some time before its insolvency on stock held by plaintiff, but which dividend was not collected. *Held*, a recovery may be had only on a basis with other creditors.

A dividend declared by a corporation is not a trust fund for the stockholders' benefit, but a debt from the corporation to them. *Lowne* v. *Ins. Co.*, 6 Paige 482, 1 Mor. Priv. Corp., § 445. However, if the company had set funds aside to pay the dividend a trust would have resulted, and the plaintiff would have recovered the entire dividend. *King et al.* v. *R. R. Co.*, 29 N. J. L. 82.